

# EXHIBIT 1

## 0110 SEX DISCRIMINATION AND SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students, staff and certain “non-employees” (which includes contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) based on their sex, gender and/or sexual orientation (referred to in this policy as “sexual harassment”) is a form of discrimination and constitutes abusive and illegal behavior that harms victims and negatively affects the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and “non-employees” providing services in the schools can work productively. Sexual harassment of students is addressed in this policy and accompanying regulation (Policy 0110-R); sexual harassment of staff and “non-employees” is addressed in Policy 9010.2 and its accompanying regulation.

Sexual harassment can be comprised of either or both of two types of behavior: sexual harassment and gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature. Gender-based harassment includes verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender as well as sexual stereotypes. Sexual harassment or gender-based harassment can deny or limit the student’s ability to participate in or to receive benefits, services or opportunities from the district’s programs and activities and can create a hostile and unwelcome atmosphere for that student.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district. Conduct that occurs off school grounds and/or outside of the district’s educational programs and activities is covered by this policy if there is some nexus or relationship between the conduct at issue and the district, including where off-campus conduct involving students endangers the health and/or safety of students or staff within the educational system, substantially disrupts education, or adversely affects the educative process, and with respect to staff and “non-employees” if the harassment adversely affects the individual’s employment in a manner that violates their legal rights.

For the purposes of this policy, sexual harassment includes conduct between or involving staff (including “non-employees”) to student, student to staff, staff to staff, student to student, male to female, female to male, male to male or female to female. Sexual harassment also includes harassment against transgender, questioning, transitioning, intersexual or asexual students. It shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the alleged victim reports that he or she feels unsafe at school due to the issues raised in the complaint or the investigative process, the district will determine if accommodations need to be made during the pendency of the issue and will implement such accommodations that are reasonable and appropriate in light of the circumstances.

If, after appropriate investigation, the district finds that a student, an employee, a “non-employee”, or a third party has violated this policy, prompt corrective action will be taken in accordance with the

applicable collective bargaining agreement, contract, district policy and federal or state law.

All complainants, alleged victims and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Complaints concerning retaliation shall be made to the district utilizing the complaint procedures for reporting of sex discrimination and/or sexual harassment, and shall be investigated and resolved using the processes and procedures for resolution of complaints of sex discrimination and/or sexual harassment.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment, consistent with this policy, its regulations, and applicable contracts and law. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy and its implementing regulations shall be communicated and publicized in accordance with the Policy on Non-Discrimination and Equal Opportunity.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110-R, Sexual Harassment Regulation

0115, Dignity for All Students: Prohibiting Bullying, Discrimination and Harassment of Students

0115-R, Student Harassment and Bullying Prevention and Intervention Regulation

0115-E, Discrimination/Harassment/Bullying Report Form for Students

5300, Code of Conduct

9010, Equal Employment Opportunity

9010.2, Harassment of Employees

9010.2-R, Harassment of Employees Regulation

9010.2-E.1, Harassment Formal Complaint Form

9010.2-E.2, Harassment Complaint Appeal Form

9520, Staff Complaints and Grievances

9520-R, Staff Complaint and Grievances Regulation

Ref:

Education Amendments of 1972, Title IX, [20 U.S.C. §1681](#) *et seq.*

Title VII of Civil Rights Act (1964), [42 U.S.C. §2000e](#) *et seq.*; [34 CFR §100](#) *et seq.*

[Executive Law, § 290](#) *et seq.* (New York State Human Rights Law)

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S. 274 (1998)

[Public Health Law, §2782](#)

Adoption date: June 14, 2018 (replacing Policy 0110, Sexual Harassment)

Revised: March 25, 2021

### **Croton-Harmon Schools**

---